

Bailey & Galyen

IN RE: § CASE NO. 05-94182

Respondent(s)

Page 1

3. On or about November 1, 2007 , Movant, Julie Saeger, filed an Original Petition For Divorce in an action styled "***IN THE MATTER OF THE MARRIAGE OF JULIE SAEGER AND JOHN SAEGER*** ," Cause Number ***231-429165-07***, in the ***231st*** Judicial District Court of ***Tarrant*** County, Texas (hereinafter, "the divorce action"). The state court maintains jurisdiction of "the divorce action."
4. Cause exists for the termination of the automatic stay because Movant & Respondent both desire to obtain a divorce and settle all related issues, all of such issues involve state law that can be addressed adequately by the state court.
5. Movant Waives the Thirty-Day Hearing Requirement.

WHEREFORE, Movant requests the Court enter an order terminating the automatic stay to allow Movant to pursue to conclusion the divorce action, and to allow the ***231st*** Judicial District Court to enter all order and decrees it deems just and proper, and for such other and further relief to which Movant may be entitled.

Respectfully submitted,

Bailey & Galyen

Attorneys at Law
1900 Airport Freeway
Bedford, Texas 76022
Phone: 817.868.5500
Fax: 817.545.6386

ATTORNEY FOR DEBTOR

By /s/James K. Ince
James K. Ince
Bar #10388920

CERTIFICATE OF CONFERENCE

I hereby certify that James K. Ince spoke with Debtor's counsel, St. Clair Newbern, III and Debtor's Counsel is in Agreement with the relief sought.

By /s/James K. Ince
James K. Ince
Bar #10388920

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing AGREED MOTION FOR RELIEF FROM AUTOMATIC STAY TO OBTAIN A DIVORCE FROM DEBTOR & DIVISION OF PROPERTY AND WAIVER OF THIRTY DAY HEARING REQUIREMENT has been sent via United States' certified mail, return receipt required, postage or by electronic transfer if notified by the clerk to:

John Nathan Saeger
2400 State Highway 121
#2607
Euless, Tx 76039

I hereby certify that a true and correct copy of the above and foregoing MOTION FOR RELIEF FROM AUTOMATIC STAY TO OBTAIN A DIVORCE FROM DEBTOR & DIVISION OF PROPERTY AND WAIVER OF THIRTY DAY HEARING REQUIREMENT has been sent via United States' by Regular First Class Mail or by electronic transfer if notified by the clerk to:

St. Clair Newbern, III
Law offices of St. Clair Newbern, III, P.C.
1701 River Run
Suite 1000
Fort Worth, Texas 76107

Tim Truman
Chapter 13 Trustee
6851 NE Loop 820, Suite 300
N. Richland Hills, TX 76180

William T. Neary
Office of the U.S. Trustee
1100 Commerce Street, Suite 9C60
Dallas, TX 75242

on this 15th day of October, 2008.

By /s/James K. Ince
James K. Ince
Bar #10388920

AGREED AS TO FORM:

/s/ **James K. Ince**
James K. Ince
Bailey & Galyen
Bar #10388920

/s/ **St. Clair Newbern, III**
St. Clair Newbern, III
Law Offices of St. Clair Newbern, III, P.C.
Bar #14941000

AGREED:

/s/ **John Nathan Saeger**
John Nathan Saeger